

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO: 0:22-cv-61826-AHS

HOWARD MICHAEL CAPLAN,

Plaintiff,

v.

ENTERPRISE AUTO SERVICE, INC., a  
Florida Profit Corporation and LAUDERDALE  
LAKES INDUSTRIAL PARK II, LTD., a  
Florida Limited Partnership,

Defendants.

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**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND  
TO THE COMPLAINT**

Defendant, LAUDERDALE LAKES INDUSTRIAL PARK II, LTD., hereafter referred to as “Lauderdale,” by and through the undersigned counsel, hereby files its Motion for Extension of Time to Respond to the Complaint and, as grounds therefore, states:

**Introduction**

On September 28, 2022, Plaintiff filed the instant proceedings alleging that the physical condition of the real property owned by Lauderdale which is the subject of the Complaint is in violation of the Americans with Disabilities Act (“ADA”). Undersigned counsel was away on a pre-planned vacation when this litigation commenced. Lauderdale and Plaintiff are attempting to substantively resolve their disputes. Lauderdale requires additional time to resolve the parties’ disputes by reviewing the condition of the property complained of and, without any admission, to obtain findings from its expert concerning what conditions may require improvements in an effort to avoid incurring additional attorney’s fees and costs unnecessarily. Lauderdale has retained an expert who may confirm whether the physical condition of the subject property is accurate and to

assist with identifying and clarifying the scope of work necessary to cure any alleged violations. A report is forthcoming and will be voluntarily shared the same with Plaintiff's counsel. It remains possible that some of the conditions do not represent ADA violations and do not need to be addressed while other conditions that may need to be addressed may not have been caused by and are not the responsibility of Lauderdale (notwithstanding its desire to amicably resolve this dispute); the expert's report will assist the parties in clarifying their respective obligations.

### **MEMORANDUM OF LAW**

Rule 6(b)(1)(A), Fed. R. Civ. P., provides that, when an act may or must be done within a specified time, the Court may, for good cause, extend the time with or without motion or notice if the Court acts, or if a request is made, before the original time or its extension expires. Good cause exists to extend the deadline for Lauderdale to respond to the Complaint. Lauderdale has not unduly delayed these proceedings and is acting as diligently as possible. Lauderdale retained counsel in this matter and has already engaged an expert to provide an expert report to minimize and avoid unnecessary delay. An extension of time is required to adequately prepare a response to the Complaint to the extent the parties are unable to amicably resolve their disputes. Undersigned counsel certifies that this motion is not made for the purpose of any delay, but, rather to allow Lauderdale to substantively resolve its disputes with Plaintiff or to file a responsive pleading after being provided with an opportunity to evaluate and comprehensively respond to Plaintiff's allegations in light of the expert report that is forthcoming. No prejudice will occur to Plaintiff's ability to prosecute their case and, further, the extension requested will not affect this Court's ability to handle the proceeding.

### **CONCLUSION**

Wherefore, Lauderdale respectfully requests that this Court enter an Order granting Lauderdale an extension of time until November 11, 2022 to respond to the Complaint filed herein to the extent that the parties are unable to amicably and substantively resolve their disputes. The request is not opposed by the Plaintiff pursuant to the Certificate of Compliance below.

### **CERTIFICATION OF COMPLIANCE**

Pursuant to Local Rule 7.1(a)(3), I hereby certify that undersigned counsel has conferred with counsel for Plaintiff, Ronald E. Stern, Esq., regarding the relief sought in this motion in a good faith effort to resolve the issues. Counsel for Plaintiff, Ronald E. Stern, Esq., does not oppose the relief requested in this Motion for an extension of time to respond to the Complaint until November 11, 2022.

Dated: October 18, 2022

Respectfully submitted,

Ryan M. Aboud, P.A.  
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Ryan M. Aboud, Esq.  
FBN: 27366

**CERTIFICATE OF SERVICE**

I hereby certify that, on October 18, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notice of Electronic Filing.

By: /s/ Ryan M. Aboud, Esq.  
Ryan M. Aboud, Esq.  
FBN: 27366

**SERVICE LIST**

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